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HOUSE BILL 819

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

James G. Taylor

AN ACT

RELATING TO PUBLIC SCHOOLS; ENACTING THE SPECIAL CHARTER SCHOOL DISTRICT ACT; PROVIDING POWERS AND DUTIES; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] SHORT TITLE. -- This act may be cited as the "Special Charter School District Act". "

Section 2. A new section of the Public School Code is enacted to read:

"[NEW MATERIAL] DEFINITION. -- As used in the Special Charter School District Act, "special charter school district" means a school district with student enrollment over thirty-five thousand. "

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1 Section 3. A new section of the Public School Code is
2 enacted to read:

3 "[NEW MATERIAL] SPECIAL CHARTER SCHOOL DISTRICT--CHARTER
4 REQUIREMENTS. --

5 A. A local school board of a school district that
6 meets the requirements for a special charter school district
7 shall enter into a contract with the state board establishing
8 its charter to operate as a special charter school district
9 from July 1, 2003 through June 30, 2008.

10 B. The contract shall reflect all agreements
11 regarding the operation of the special charter school district.
12 The terms of the contract may be revised at any time with the
13 approval of both the state board and the special charter school
14 district.

15 C. The charter shall include:

16 (1) a statement that the special charter
17 school district shall comply with state laws pertaining to
18 school and educational standards and assessment and
19 accountability requirements;

20 (2) a statement of mission and purpose for the
21 operation of the special charter school district, including the
22 district's goals and objectives;

23 (3) evidence that the special charter school
24 district's educational and operational plans are economically
25 sound and comply with all state and federal laws;

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1 (4) evidence that the charter is educationally
2 sound and is in the best interests of the students;

3 (5) an explanation of the relationship that
4 will exist between the special charter school district and its
5 employees and a description of the way the terms and conditions
6 of employment will be addressed with affected employees;

7 (6) a description of all waivers from state
8 board rules requested; and

9 (7) a description of school clusters and a
10 description by cluster of:

11 (a) the pre-kindergarten through grade
12 twelve alignment of instructional practices designed to achieve
13 student success and a coordinated professional development
14 program reflecting the instructional alignment;

15 (b) the accountability system that
16 measures student and instructional outcomes;

17 (c) how financial resources will be
18 directed to each cluster and school's instructional program;
19 and

20 (d) how parental involvement at the
21 school, cluster and district levels will be achieved.

22 D. The special charter school district shall:

23 (1) continue to operate as a public,
24 nonsectarian public school district and operate in the same
25 geographic boundaries that existed for the school district

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1 prior to becoming a special charter school district;

2 (2) receive state money as provided in the
3 Public School Code;

4 (3) provide special education services as
5 required by state and federal law;

6 (4) be liable for timely payment on its bonded
7 indebtedness and subject to the same bonded indebtedness
8 limitations as it was before becoming a special charter school
9 district; and

10 (5) be subject to all state and federal laws
11 and constitutional provisions prohibiting discrimination on the
12 basis of disability, race, creed, color, gender, national
13 origin, religion, ancestry or need for special education
14 services.

15 E. The special charter school district shall be
16 accountable to the state board for ensuring compliance with its
17 charter and applicable state law. "

18 Section 4. A new section of the Public School Code is
19 enacted to read:

20 "[NEW MATERIAL] DISTRICT RESPONSIBILITIES-- EXEMPTIONS FROM
21 PUBLIC SCHOOL CODE.--The special charter school district is
22 exempt from provisions of the Public School Code and rules
23 adopted pursuant to that act pertaining to the length of the
24 school day, staffing patterns, subject areas, instructional
25 materials and financial and budgetary requirements. "

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1 Section 5. A new section of the Public School Code is
2 enacted to read:

3 "[NEW MATERIAL] GROUNDS FOR NONRENEWAL, PROBATION OR
4 REVOCATION OF CHARTER-- APPEAL. --

5 A. The department of education shall provide
6 ongoing review of the special charter school district's
7 compliance with accreditation. Staff shall visit the special
8 charter school district at least once each year to provide
9 technical assistance and to determine the status of the
10 district and the progress of the district toward the goals of
11 its charter.

12 B. If the department of education finds that the
13 special charter school district is not in compliance with its
14 charter, the state board may revoke the charter or place the
15 district on probationary status. "

16 Section 6. A new section of the Public School Code is
17 enacted to read:

18 "[NEW MATERIAL] REPORT TO LEGISLATURE AND GOVERNOR. --The
19 special charter school district and the department of education
20 shall report to the legislature and the governor on the
21 progress of the special charter school district and make
22 recommendations regarding the continuation of the special
23 charter. "

24 Section 7. EMERGENCY.--It is necessary for the public
25 peace, health and safety that this act take effect immediately.

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